

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

MUELLER BRASS CO.,

Plaintiff,

vs.

No. 2:20-cv-02496-SHL-cgc

DAVID CROMPTON,

Defendant.

JOINT MOTION TO MODIFY THE SCHEDULING ORDER

COME NOW, the Plaintiff, Mueller Brass Co. (“Mueller Brass”), and the Defendant, David Crompton (“Crompton”) (collectively herein, the “Parties”), and file this Joint Motion to Modify the Scheduling Order in this cause. In support of this Motion, the Parties would state unto the Court as follows:

1. This is a suit involving allegations of a guaranty executed by Crompton in favor of Mueller Brass on certain debt owed to Mueller Brass by Quick Fitting, Inc., a company in which Crompton formerly served as Chief Executive Officer and majority common shareholder. Plaintiff brought this suit on July 10, 2020, (D.E. 1).

2. Crompton and Mueller Brass consented to an extension of time for Crompton to respond to the Complaint, and the Court entered an Order to that effect on August 5, 2020, (D.E.15). On August 31, 2020, Crompton filed his Motion to Dismiss, which remains pending, (D.E.21).

3. Following the submission of the Parties Rule 26(g) Planning Report, (D.E. 20), the Court held a Scheduling Conference via Skype on September 8, 2020, (*see* D.E. 23), in which the Court established certain dates in consultation with counsel for the Parties.

4. The Court issued its Scheduling Order, (D.E. 25), following the conference, establishing, *inter alia*, the following dates:

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|---|----------------------|
| a. Plaintiff's deadline to disclose expert witness: | January 8, 2021; |
| b. Defendant's deadline to disclose expert witness: | February 8, 2021; |
| c. Document production and interrogatories: | March 8, 2021; |
| d. Depositions and requests for admissions: | March 8, 2021; |
| e. Discovery deadline: | March 8, 2021; |
| f. Expert witness depositions: | March 8, 2021; |
| g. Motions to exclude and <i>Daubert</i> deadline: | April 9, 2021; |
| h. Dispositive Motions: | April 9, 2021; |
| i. Pretrial Order: | August 6, 2021; |
| j. Pretrial Conference: | August 13, 2021; and |
| k. Trial: | August 23, 2021. |

The trial is anticipated to last one to two days.

5. The Parties engaged in alternative dispute resolution following extension of the initial ADR deadline, culminating in a mediation with attorney John Heflin on December 16, 2020.

6. During mediation, the parties agreed to suspend mediation until February 28, 2021 in order to allow a receivership action in Rhode Island, involving the disposition of Crompton's former company and/or its assets, to proceed. (*See* D.E. 33 at pg. 2). The distribution of sale proceeds for the company in which Crompton was the majority common shareholder and formerly employed as Chief Executive Officer has the potential to make Mueller Brass whole and if so, potentially obviate the need to continue this action.

7. While the Rhode Island court approved the sale of Crompton's former company, Mueller Brass has not yet recovered any funds.

8. It is anticipated by the Parties that the outcome of the putative distribution of funds in the Rhode Island receivership, and potential resolution of the debt at issue, should occur within the next several weeks.

9. To preserve the time and expense of further litigation, to further judicial economy, and to preserve important dates and deadlines in the Scheduling Order for both Parties, including the propounding of discovery later this month, the Parties agree that an extension should be requested and hereby make such a request of the Court.

10. The Parties therefore request that all dates in the Scheduling Order, beginning January 8, 2021, be extended by 60 days each.

WHEREFORE, PREMISES CONSIDERED, the Parties hereto pray and request the Court extend each of the deadlines set forth in the Court's Scheduling Order by 60 days and reset the trial date in this cause for a date no earlier than October 22, 2021.

Respectfully and jointly submitted,

GLANKLER BROWN, PLLC

By: /s/ Aubrey B. Greer

Larry H. Montgomery (TN# 9579)

Aubrey B. Greer (TN# 35613)

6000 Poplar Ave., Suite 400

Memphis, Tennessee 38119

Telephone: (901) 576-1715

Facsimile: (901) 525-2389

lmontgomery@glankler.com

agreer@glankler.com

Attorneys for Plaintiff, Mueller Brass Co.

ASHCROFT LAW FIRM

By: /s/ Simon J. Cataldo

Michael J. Sullivan (MA #487210) *pro hac*
Simon J. Cataldo (MA #690879) *pro hac*
200 State Street, Floor 7
Boston, Massachusetts 02109
Telephone: (617) 573-9400
Facsimile: (703) 247-5446
msullivan@ashcroftlawfirm.com
scataldo@ashcroftlawfirm.com

BURCH PORTER & JOHNSON, PLLC

By: /s/ Lawrence J. Laurenzi

Lawrence J. Laurenzi (TN #9529)
Sarah E. Stuart (TN #35329)
130 North Court Avenue
Memphis, Tennessee 38103
Telephone: (901) 524-5000
Facsimile: (901) 524-5024
llaurenzi@bpjlaw.com
sstuart@bpjlaw.com

Attorneys for Defendant, David Crompton

CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2021, a copy of the foregoing was served on the parties listed below via the Court's ECF System and via e-mail and/or United States Mail, postage prepaid:

ASHCROFT LAW FIRM

Michael J. Sullivan (MA #487210) *pro hac*
Simon J. Cataldo (MA #690879) *pro hac*
200 State Street, Floor 7
Boston, Massachusetts 02109
Telephone: (617) 573-9400
Facsimile: (703) 247-5446
msullivan@ashcroftlawfirm.com
scataldo@ashcroftlawfirm.com

BURCH PORTER & JOHNSON, PLLC

Lawrence J. Laurenzi (TN #9529)
Sarah E. Stuart (TN #35329)
130 North Court Avenue
Memphis, Tennessee 38103
Telephone: (901) 524-5000
Facsimile: (901) 524-5024
llaurenzi@bpjlaw.com
sstuart@bpjlaw.com

Attorneys for Defendant, David Crompton

/s/ Aubrey B. Greer

Aubrey B. Greer